

**STATE OF FLORIDA  
PERMIT TO DISCHARGE TREATED WATER**

<b>PERMITTEE:</b>	<b>NPDES PERMIT NUMBER</b>	FL0177962-001 Minor Non-POTW
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South Florida Water Management  
District  
3301 Gun Club Road  
West Palm Beach, FL 33406

<b>ISSUANCE DATE:</b>	Draft
<b>EXPIRATION DATE:</b>	Draft

**RESPONSIBLE AUTHORITY:**

Mr. Mike Slayton  
Deputy Executive Director

**FACILITY:**

Stormwater Treatment Area (STA) 1 West  
Project (STA-1W Project)  
Palm Beach County

**LATITUDE: 26° 33' 15" N    LONGITUDE: 80° 26' 09" W**

This permit is issued under the provisions of Chapter 403, Florida Statutes, and applicable rules of the Florida Administrative Code and constitutes authorization to discharge to waters of the state under the National Pollutant Discharge Elimination System (NPDES). The above named permittee is hereby authorized to construct and operate the facilities shown on the application and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

**PROJECT DESCRIPTION:**

The project is to construct, operate, and maintain Stormwater Treatment Area 1 West (STA-1W), STA 1 Inflow and Distribution Works (STA-1 I&D), the G-310 Pump Station, and modifications to the existing Everglades Nutrient Removal (ENR) Project, which together will be known as the STA-1W Project. STA-1W Project is part of the Everglades Construction Project (ECP), construction, operation, and maintenance of which is required by the Everglades Forever Act (EFA) (Section 373.4592, Florida Statutes).

**EFFLUENT DISPOSAL:**

This permit authorizes the new discharge of treated waters from a 6,670 acre constructed wetland marsh system (STA-1W Project) to the L-7 Canal (within the Arthur R Marshall Loxahatchee National Wildlife Refuge - herein referred to as the Refuge), via the G-310 and G-251 pump

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stations. Waters treated in the wetland marsh system are pumped, via the S-5A pump station, from jurisdictional waters of the East Beach Water Control District, from the S-5A, L-8, and C-51 West Basins, and the Lake Okeechobee regulatory releases. The L-7 Canal is a Class III Fresh water and an Outstanding Florida Water (OFW).

**SURFACE WATER DISCHARGES AUTHORIZED:**

A new discharge to the L-7 Canal (Class III Fresh waters), outfall serial number D-001, via the G-310 pump station. The G-310 pump station outfall point of discharge is located approximately at latitude 26° 33' 15" N, longitude 80° 26' 09" W.

A discharge to the L-7 Canal (Class III Fresh waters), outfall serial number D-002, via the G-251 pump station. The G-251 pump station outfall point of discharge is located approximately at latitude 26° 35' 59" N, longitude 80° 26' 24" W.

**IN ACCORDANCE WITH:** The limitations, monitoring requirements and other conditions as set forth in Part I through Part VIII on pages 1 through 15 of this permit.

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## I. Effluent Limitations and Monitoring Requirements

### A. Surface Water Discharges

1. During the period beginning upon placing the system into operation and lasting through the expiration date of this permit, the permittee is authorized to discharge from Outfalls D-001 and D-002, treated water. Such discharge shall be limited and monitored by the permittee as specified below:

Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Daily Minimum	Daily Maximum	Annual Average	Monitoring Frequency	Sample Type	Sample Point
Phosphorus, Total as P (mg/L as P)	--	--	Report* (See I.A.5.)	weekly	7-day flow proportioned composite	EFF-1 & EFF-2
Phosphorus, Total as P (mg/L as P)	--	--	Report*	weekly	7-day flow proportioned composite	SWU-1
Oxygen, Dissolved (DO) (mg/L)	5.0 (See I.A.6.)	--	--	weekly	meter	EFF-1 & EFF-2
Oxygen, Dissolved (DO) (mg/L)	Report	--	--	weekly	meter	SWU-1
Flow (cfs)	--	Report	Report	continuous	recorder	EFF-1 & EFF-2
pH (s.u.)	6.0	8.5	--	weekly	meter	EFF-1 & EFF-2

\* Monitoring results for this parameter shall be reported as a 12-month moving flow-weighted average. No violations for the annual average limit will be deemed to have occurred until data have been compiled for the first 12 months after the issuance date of the permit. For the first 11 months after issuance of this permit, the monitoring results for this parameter shall be recorded on the DMR as NODI=9. Starting with the 12th month and lasting until the expiration of this permit, the monitoring results for this parameter shall be recorded on the DMR as a 12-month moving flow-weighted average.

2. Effluent samples shall be taken at the monitoring site locations listed in permit condition I.A.1 and as described below:

Sample Point	Description of Monitoring Location
EFF-1	Sampling location for Outfall D-001 at the G-310 pump station.
EFF-2	Sampling location for Outfall D-002 at the G-251 pump station.
SWU-1	Upstream background sampling location at the S-5A pump station.

3. There shall be no discharge of floating solids or visible foam in other than trace amounts. This provision shall not be interpreted to prevent discharges of constituents normally found in or resulting from marsh wetland systems.

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4. The discharge shall not cause a visible sheen on the receiving water. This provision shall not be interpreted to prevent the discharge of constituents normally found in or resulting from marsh wetland systems.
5. The discharge shall not cause phosphorus concentrations in the receiving waters to be altered so as to cause or contribute to an imbalance in natural populations of aquatic flora or fauna. The permittee may not be able to immediately comply with this condition and therefore, this permit is issued pursuant to section 403.088(2)(e) of the Florida Statutes and is consistent with the Everglades Forever Act (EFA), §373.4592, Fla. Stat. By operation of the EFA, a numeric effluent limit for phosphorous shall be derived in accordance with state policy as contained in the EFA, § 373.4592(4)(e), Fla. Stat., which provides that if the Department does not adopt by rule a revised phosphorus water quality criterion by no later than December 31, 2003, the numeric criterion for phosphorus shall be 10 parts per billion (ppb) in the Everglades Protection Area. Upon adoption of a revised criterion or the default criterion becoming effective, and upon approval by EPA, an effluent limitation shall be established for this permit, in a manner consistent with the EFA, the federal Consent Decree in USA v. SFWMD, Case No. 88-1886-CIV-HOEVELER, and other applicable state and federal laws and that recognizes the relationship between waters discharged to, and the resulting water quality in the Everglades Protection Area. If an effluent limitation is established for this permit based upon the default criterion, that effluent limitation will be replaced with a new effluent limit based on the approved numeric interpretation of the narrative phosphorous criterion once rulemaking for the phosphorous criterion and an appropriate effluent limitation is promulgated under the requirements of the EFA and the Consent Decree. The new effluent limit will be based on the numeric phosphorous criterion, the associated implementation strategy, and the relationship between waters discharged to, and the resulting water quality in, the Everglades Protection Area in a manner consistent with the EFA, the federal Consent Decree in USA v. SFWMD, Case No. 88-1886-CIV-HOEVELER, and other applicable state and federal laws.

#### **B. Other Methods of Disposal or Recycling**

1. There shall be no discharge from this facility to surface waters, except as authorized by this permit.

#### **C. Other Limitations and Monitoring and Reporting Requirements**

1. During the period of operation authorized by this permit, the permittee shall complete and submit to the Department on a monthly basis Discharge Monitoring Report(s) (DMR), Form 62-620.910(10), as attached to this permit. The permittee shall make copies of the attached DMR form(s) and shall submit the completed DMR form(s) to the Department by the twenty-eighth (28<sup>th</sup>) of the third month following the month of sampling at the address specified below:

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Florida Department of Environmental Protection  
Wastewater Program Management Section  
Twin Towers Office Building  
2600 Blair Stone Road, Mail Station 3551  
Tallahassee, Florida 32399-2400

If no discharge occurs during the reporting period, sampling requirements of this permit do not apply. The DMR form(s) shall be submitted as specified above with the statement "No Discharge" written thereon. If, during the term of this permit, the facility ceases to discharge, the Department shall be notified immediately upon cessation of discharge. Such notification shall be in writing.

2. Unless specified otherwise in this permit, all reports and notifications required by this permit, including twenty-four hour notifications, shall be submitted to or reported to, as appropriate, the Southeast District Office of the Department and to the Department's Division of Water Facilities, Everglades Technical Support Section at the addresses specified below:

Florida Department of Environmental  
Protection  
Southeast District Office  
100 North Congress Avenue  
West Palm Beach, FL 33401

**AND**

Florida Department of Environmental  
Protection  
Division of Water Facilities  
Everglades Technical Support Section  
2600 Blair Stone Road, MS 3560  
Tallahassee, Florida, 32399-2400

Phone Number - (561) 681-6600  
FAX Number\* - (561) 681-6755

Phone Number - (850) 921-5213  
Fax Number\* - (850) 488-4358

(All FAX copies shall be followed by original copies.)

3. The permittee shall provide safe access points for obtaining representative samples which are required by this permit.
4. The permittee shall ensure that all laboratory analytical data submitted to the department as required by this permit is from a laboratory which has a currently valid and Department-approved Comprehensive Quality Assurance Plan (ComQAP) [or a ComQAP pending approval] for all parameters being reported as required by Chapter 62-160, Florida Administrative Code.
5. Upon demonstration that a specific parameter(s) is consistently shown to be undetected in the effluent, the permittee may request a modification to the monitoring program as appropriate. A minimum of two years of data, for those parameters being sampled quarterly or more frequently, will be required prior to the Department approving any

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modification to the monitoring program. The Department may approve a reduction of the monitoring frequency or waive the monitoring requirement for parameters which consistently shown to be undetected in the effluent.

## **II. Industrial Sludge Management Requirements**

This section not applicable to this facility.

## **III. Ground Water Monitoring Requirements**

This section is not applicable to this facility.

## **IV. Other Land Application Requirements**

This section is not applicable to this facility.

## **V. Operation and Maintenance Requirements**

### **A. Operation of Treatment and Disposal Facilities**

1. The permittee shall ensure that the operation of this facility is as described in the application and supporting documents.
2. The operation of the facilities described in this permit shall be under the supervision of a person who is qualified by formal training and/or practical experience in the field of water pollution control.

### **B. Record Keeping Requirements**

The permittee shall maintain the following records at the South Florida Water Management District headquarters office at the address specified above and make them available for inspection:

1. Records of all compliance monitoring information, including all calibration and maintenance records for continuous monitoring instrumentation, including, if applicable, a copy of the laboratory certification showing the certification number of the laboratory, for at least three years from the date the sample or measurement was taken;
2. Copies of all reports, other than those required in items 1. and 6. of this section, required by the permit for at least three years from the date the report was prepared, unless otherwise specified by Department rule;

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3. Records of all data, including reports and documents used to complete the application for the permit for at least three years from the date the application was filed, unless otherwise specified by Department rule;
4. A copy of the current permit;
5. A copy of any required record drawings;
6. Copies of the logs and schedules showing plant operations and equipment maintenance for three years from the date on the logs or schedule.

## **VI. Schedules**

1. An operational plan shall be developed and implemented by the permittee no later than September 1999.

## **VII. Other Specific Conditions**

### **A. Specific Conditions Applicable to All Permits**

1. The following documents, not attached hereto, but retained on file with the Department, are made a part hereof:
  - a. 1994 Conceptual Design Document for the Everglades Protection Project;
  - b. Detailed Design Report for Stormwater Treatment Area 1 West, dated June 5, 1996;
  - c. Supplement to the Detailed Design Report by Hutcheon Engineers, dated October 30, 1996;
  - d. Final Design Report for Storm Water Treatment Area 1 Inflow and Distribution Works by Stanley Consultants Inc., dated September 29, 1996; and
  - e. Final Design Report for Pumping Station G-310 and G-335 by Brown Caldwell, dated January 1997.
2. Where required by Chapter 471 (P.E.) or Chapter 492 (P.G.) Florida Statutes, applicable portions of reports to be submitted under this permit, shall be signed and sealed by the professional(s) who prepared them.
3. This permit satisfies Wastewater program permitting requirements only. The Department and the permittee acknowledge the issuance of other permits related to the STA-1W Project. Portions of the STA-1W Project were permitted as the Everglades Nutrient Removal (ENR) Project, in accordance with the Marjorie Stoneman Douglas Act (FDEP Permit No. 502232569) and in accordance with federal law (NPDES

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Permit No. FL0043885). This STA-1W permit, upon issuance, shall supersede the former NPDES ENR Project permit. Additional related permits include FDEP Permit No. 0125539, which authorizes temporary dewatering activities to construct the STAs and associated works, and, the U.S. Army Corps of Engineers 404 Permit No. 199404532, however, this permit does not supersede either of these two permits.

#### **B. Specific Conditions Related to Construction**

1. Within thirty days of completion of the construction contract for this project, the permittee shall submit to the Department a completed "Certification of Completion of Construction" (DEP Form 62-620.910(12)) signed and sealed by the engineer of record. For purposes of this permit, completion of construction shall mean completion and closure of the construction contract for this project.
2. Record drawings shall be prepared and made available in accordance with Rule 62-620.410(6), F.A.C., and the Department of Environmental Protection Guide to Wastewater Permitting within six months of placing the facilities into operation.

#### **C. Duty to Reapply**

1. The permittee shall submit an application to renew this permit at least 180 days before the expiration date of this permit.
2. The permittee shall apply for renewal of this permit on the appropriate form listed in Rule 62-620.910, F.A.C., and in the manner established in Chapter 62-620, F.A.C., and the Department of Environmental Protection Guide to Wastewater Permitting including submittal of the appropriate processing fee set forth in Rule 62-4.050, F.A.C.
3. An application filed in accordance with subsections 1. and 2. of this part shall be considered timely and sufficient. When an application for renewal of a permit is timely and sufficient, the existing permit shall not expire until the Department has taken final action on the application for renewal or until the last day for seeking judicial review of the agency order or a later date fixed by order of the reviewing court.
4. The late submittal of a renewal application shall be considered timely and sufficient for the purpose of extending the effectiveness of the expiring permit only if it is submitted and made complete before the expiration date.

#### **D. Specific Conditions Related to Pollution Prevention Plan**

1. The document entitled "Stormwater Treatment Area 1W Pollution Prevention Plan," dated March 12, 1999, is hereby incorporated by reference and made a part of this permit as Exhibit A.



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2. The STA-1W Project shall be operated in accordance with the Pollution Prevention Plan (PPP).

If the permitted facilities are demonstrated to be not achieving compliance with the requirements of this permit, the permittee shall modify the PPP or the operational plan as appropriate.

#### **E. Reopener Clause**

This permit currently contains the narrative water quality standard for nutrients. In accordance with Section 373.4592(4)(e) of the Everglades Forever Act (EFA), by December 31, 2001, the Florida Department of Environmental Protection shall file a notice of rulemaking in the Florida Administrative Weekly to establish a phosphorus criterion in the Everglades Protection Area. By operation of the EFA, if the Department does not adopt by rule a revised phosphorus water quality criterion by December 31, 2003, the numeric criterion for phosphorus shall be the default of 10 ppb in the Everglades Protection Area. In either case, the numeric phosphorus criterion and implementation methodology must be submitted to EPA for approval. The USEPA shall review the water quality data that the state develops pursuant to the EFA, Section 373.4592(4)(e)1., Fla.Stat., and the interpreted numeric phosphorus criterion approved by the Florida Environmental Regulation Commission in accordance with the EFA, Section 373.4592(4)(e)2., Fla.Stat., and shall approve the criterion provided it adequately protects the designated uses of the Everglades Protection Area, and complies with the Clean Water Act and implementing regulations. The same standard of review will apply to this criterion that applies to all other proposed state water quality standards.

Within 90 days of approval by EPA of the adopted numeric criterion or 10 ppb default criterion, a new effluent limitation shall be established for this permit. This new effluent limitation, which becomes effective on December 31, 2006, will be based on the numeric phosphorus criterion and associated implementation strategy, in a manner consistent with the EFA, the Federal Consent Decree in *USA v. SFWMD*, Case No. 88-1886-CIV-HOEVELER, and other applicable state and federal laws and that recognizes the relationship between waters discharged to, and the resulting water quality in the Everglades Protection Area. By no later than December 31, 2003, the permittee shall submit a permit modification, including plans, cost estimates, and schedules for implementation, designed to achieve or maintain compliance with the phosphorus criterion and, if necessary, all other water quality standards in all parts of the Everglades Protection Area by no later than December 31, 2006.

In the event that the state of Florida revises the dissolved oxygen criterion, or establishes a site specific alternative criterion (SSAC) or other moderating provision for dissolved oxygen in the Everglades Protection Area, the numeric effluent limitation for dissolved oxygen contained in this permit shall be revised.

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## VIII. General Conditions

- A. **Enforcement.** The terms, conditions, requirements, limitations and restrictions set forth in this permit are binding and enforceable pursuant to Chapters 373 and 403, Florida Statutes. Any permit noncompliance constitutes a violation of Chapters 373 and 403, Florida Statutes, and is grounds for enforcement action, permit termination, permit revocation and reissuance, or permit revision. *[62-620.610(1), F.A.C.]*
- B. **Scope of permit.** This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviations from the approved drawings, exhibits, specifications or conditions of this permit constitutes grounds for revocation and enforcement action by the Department. *[62-620.610(2), F.A.C.]*
- C. **Limitation of rights.** As provided in Subsection 403.087(6), and Chapter 373, F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor authorize any infringements of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit or authorization that may be required for other aspects of the total project which are not addressed in this permit
- D. **Limitations upon title.** This permit conveys no title to land or water, does not constitute state recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title. *[62-620.610(4), F.A.C.]*
- E. **Liability.** This permit does not relieve the permittee from liability and penalties for harm or injury to human health or welfare, animal or plant life, or property caused by the construction or operation of this permitted source; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department. The permittee shall take all reasonable steps to minimize or prevent any discharge, reuse of reclaimed water, or residuals use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. *[62-620.610(5), F.A.C.]*
- F. **Continuing permitted activities.** If the permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee shall apply for a renewal of this permit. *[62-620.610(6), F.A.C.]*
- G. **Operation and maintenance responsibilities.** The permittee shall at all times properly operate and maintain the facility and systems of treatment and control, and related

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appurtenances, that are installed and used by the permittee to achieve compliance with the conditions of this permit. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to maintain or achieve compliance with the conditions of the permit. *[62-620.610(7), F.A.C.]*

- H. **Permit changes and duration.** This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. *[62-620.610(8), F.A.C.]*
- I. **Access and inspections.** The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, including an authorized representative of the Department and authorized EPA personnel, when applicable, upon presentation of credentials or other documents as may be required by law, and at reasonable times, depending upon the nature of the concern being investigated, to
1. Enter upon the permittee's premises where a regulated facility, system, or activity is located or conducted, or where records shall be kept under the conditions of this permit;
  2. Have access to and copy any records that shall be kept under the conditions of this permit;
  3. Inspect the facilities, equipment, practices, or operations regulated or required under this permit; and
  4. Sample or monitor any substances or parameters at any location necessary to assure compliance with this permit or Department rules. *[62-620.610(9), F.A.C.]*
- J. **Evidence.** In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data, and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except as such use is proscribed by Section 403.111, Florida Statutes, or Rule 62-620.302, F.A.C. Such evidence shall only be used to the extent that it is consistent with the Florida Rules of Civil Procedure and applicable evidentiary rules. *[62-620.610(10), F.A.C.]*
- K. **Additional information.** When requested by the Department, the permittee shall within a reasonable time provide any information required by law which is needed to determine whether there is cause for revising, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also provide to the Department upon request copies of records required by this permit to be kept. If the permittee becomes aware of relevant facts that were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be promptly submitted or corrections promptly reported to the Department. *[62-620.610(11), F.A.C.]*

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- L. **Changes in law.** Unless specifically stated otherwise in Department rules, the permittee, in accepting this permit, agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard. *[62-620.610(12), F.A.C.]*
- M. **Fees.** The permittee, in accepting this permit, agrees to pay the applicable regulatory program and surveillance fee in accordance with Rule 62-4.052, F.A.C. *[62-620.610(13), F.A.C.]*
- N. **Transferability.** This permit is transferable only upon Department approval in accordance with Rule 62-620.340, F.A.C. The permittee shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department. *[62-620.610(14), F.A.C.]*
- O. **Notice of inactivation or abandonment.** The permittee shall give the Department written notice at least 60 days before inactivation or abandonment of a wastewater facility and shall specify what steps will be taken to safeguard public health and safety during and following inactivation or abandonment. *[62-620.610(15), F.A.C.]*
- P. **Permit revision for modifications.** The permittee shall apply for a revision to the Department permit in accordance with Rules 62-620.300 and the Department of Environmental Protection Guide to Wastewater Permitting at least 90 days before construction of any planned substantial modifications to the permitted facility is to commence or with Rule 62-620.325(2) for minor modifications to the permitted facility. A revised permit shall be obtained before construction begins except as provided in Rule 62-620.300, F.A.C. *[62-620.610(16), F.A.C.]*
- Q. **Noncompliance due to facility changes.** The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. The permittee shall be responsible for any and all damages which may result from the changes and may be subject to enforcement action by the Department for penalties or revocation of this permit. The notice shall include the following information:
1. A description of the anticipated noncompliance;
  2. The period of the anticipated noncompliance, including dates and times; and
  3. Steps being taken to prevent future occurrence of the noncompliance.

*[62-620.610(17), F.A.C.]*

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**R. Sampling and monitoring data.** Sampling and monitoring data shall be collected and analyzed in accordance with Rule 62-4.246, Chapter 62-160 and 62-601, F.A.C. and 40CFR 136, as appropriate.

1. Monitoring results shall be reported at the intervals specified elsewhere in this permit and shall be reported on a Discharge Monitoring Report (DMR), DEP Form 62-620.910(10).
2. If the permittee monitors any contaminate more frequently than required by the permit, using Department approved test procedures, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
3. Calculations for all limitations which require averaging of measurements shall use an arithmetic mean unless otherwise specified in this permit.
4. Any laboratory test required by this permit for domestic wastewater facilities shall be performed by a laboratory that has been certified by the Department of Health and Rehabilitative Services (DHRS) under Chapter 10D41, F.A.C., to perform the test. In domestic wastewater facilities, on-site tests for dissolved oxygen, pH, and total chlorine residual shall be performed by a laboratory certified test for those parameters or under the direction of an operator certified under Chapter 61E12-41, F.A.C.
5. Under Chapter 62-160, F.A.C., sample collection shall be performed by following the protocols outlined in "DER Standard Operating Procedures for Laboratory Operations and Sample Collection Activities" (DER-QA-001/92). Alternatively, sample collection may be performed by an organization who has an approved Comprehensive Quality Assurance Plan (CompQAP) on file with the Department. The CompQAP shall be approved for collection of samples from the required matrices and for the required tests. *[62-620.610(18), F.A.C.]*

**S. Reporting noncompliance.** Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule detailed elsewhere in this permit shall be submitted no later than 14 days following each schedule date. *[62-620.610(19), F.A.C.]*

**T. Noncompliance endangering environment.** The permittee shall report to the Department any noncompliance which may endanger health or the environment. Any information shall be provided orally with 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance including exact dates and time, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

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1. The following shall be included as information which must be reported within 24 hours under this condition:
  - a. Any unanticipated bypass which causes any reclaimed water or the effluent to exceed any permit limitation or results in an unpermitted discharge,
  - b. Any upset which causes any reclaimed water or the effluent to exceed any limitation in the permit,
  - c. Violation of a maximum daily discharge limitation for any of the pollutants specifically listed in the permit for such notice, and,
  - d. Any unauthorized discharge to surface or ground waters.
2. If the oral report has been received within 24 hours, the noncompliance has been corrected, and the noncompliance did not endanger health or the environment, the Department shall waive the written report. *[62-620.610(20), F.A.C.]*

U. **Other noncompliance.** The permittee shall report all instances of noncompliance not reported under Conditions VIII. R and S of this permit at the time monitoring reports are submitted. This report shall contain the same information required by Condition VIII. T of this permit. *[62-620.610(21), F.A.C.]*

**V. Bypass Provisions.**

1. The term “bypass” shall mean the intentional diversion of waste streams from any portion of the treatment works. The term “bypass” does not include waters diverted around the entire STA-1W Project. Because of the hydrologic relationship between STA-1W and the Loxahatchee National Wildlife Refuge, “bypass” is not expected to occur at this facility.
2. Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless the permittee affirmatively demonstrates that:
  - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and,
  - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and,
  - c. The permittee submitted notices as required under Condition VIII.V.3 of this permit.
3. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible at least 10 days before the date of the bypass. The permittee shall submit notice of an unanticipated bypass within 24 hours of learning about the bypass as required in Condition VIII.T of this permit. A notice shall include a description

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of the bypass and its cause; the period of the bypass, including exact dates and times; if the bypass has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.

4. The Department shall approve an anticipated bypass, after considering its adverse effect, if the permittee demonstrates that it will meet the three conditions listed in Condition VIII.V.2.a. through c. of this permit.
5. A permittee may allow any bypass to occur which does not cause reclaimed water or effluent limitations to be exceeded if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Condition VIII.V.2.a. through c. of this permit. *[62-620.610(22), F.A.C.]*

#### **W. Upset Provisions.**

1. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs, or other relevant evidence that:
  - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
  - b. The permitted facility was at the time being properly operated;
  - c. The permittee submitted notice of the upset as required in Condition VIII.T. of this permit; and,
  - d. The permittee complied with any remedial measures required under Condition VIII.E. and T. of this permit.
2. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.
3. Before an enforcement proceeding is instituted, no representation made during the Department review of a claim that noncompliance was caused by an upset is final agency action subject to judicial review. *[62-620.610(23), F.A.C.]*

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION

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David B. Struhs  
Secretary

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DATE: \_\_\_\_\_



**STATE OF FLORIDA  
PERMIT TO DISCHARGE TREATED WATER**

<b>PERMITTEE:</b>	<b>NPDES PERMIT NUMBER</b>	FL0177946-001 Minor Non-POTW
South Florida Water Management District 3301 Gun Club Road West Palm Beach, FL 33406	<b>ISSUANCE DATE:</b>	DRAFT 7-28-00
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**RESPONSIBLE AUTHORITY:**

Mr. Joe Schweigart  
Director  
Everglades Construction Project

**FACILITY:**

Stormwater Treatment Area (STA) 2  
Project (STA-2 Project)  
Palm Beach County

**LATITUDE: 26° 22' 42" N    LONGITUDE: 80° 30' 30" W**

This permit is issued under the provisions of Chapter 403, Florida Statutes, and applicable rules of the Florida Administrative Code and constitutes authorization to discharge to waters of the state under the National Pollutant Discharge Elimination System (NPDES). The above named permittee is hereby authorized to construct and operate the facilities shown on the application and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

**PROJECT DESCRIPTION:**

The project is to construct, operate, and maintain Stormwater Treatment Area 2 (STA-2), the S-6 Flow Diversion Works, STA-2 Supply Canal Works, STA-2 Inflow Works, STA-2 Interior Works, the S-5A Basin Flow Diversion Works, Water Conservation Area 2A (WCA 2A) Hydropattern Restoration Works, and the G-335 Pump Station. Together these components (also referred to as Associated Works) will be known as the STA-2 Project. The STA-2 Project is part of the Everglades Construction Project (ECP), construction, operation, and maintenance of which is required by the Everglades Forever Act (EFA) (Section 373.4592, Florida Statutes).

**EFFLUENT DISPOSAL:**

This permit authorizes the new discharge of treated waters from a 6,430 acre constructed wetland marsh system (STA-2 Project) to WCA 2A, via the G-335 outflow pump station, a modified L-6

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canal and 40 weir structures (G-336 A through NN), or other control structures at alternative locations that minimize potential adverse impacts from the discharge to unimpacted areas of WCA 2A. Waters treated in the wetland marsh system are pumped, via the S-6, G-328, and G-337 inflow pump stations, from jurisdictional waters of the East Shore Water Control District, from the S-5A and S-6/S-2 Basins, the 715 Farms discharges, and Lake Okeechobee regulatory releases. All of the surface waters and wetlands to be impacted by the construction of the project are Class III Waters; additionally, wetlands and surface waters located within the Arthur R. Marshall Loxahatchee National Wildlife Refuge are Outstanding Florida Waters, pursuant to Rule 62-302.700(9)(b)17., F.A.C.

**SURFACE WATER DISCHARGES AUTHORIZED:**

- A. A new discharge to the L-6 Canal (Class III Fresh waters), outfall serial number D-001, via the G-335 pump station. The G-335 pump station outfall point of discharge is located approximately at latitude 26° 22' 42" N, longitude 80° 30' 30" W. During the interim period until the G-335 pump station is complete, the permittee is allowed to conduct temporary activities to direct water flows as needed for the proper operation and function of the STA-2 Project. These activities include the temporary operation of pumps at locations other than G-335 and possible discharges from G-328 to the L-6 canal.

**IN ACCORDANCE WITH:** The limitations, monitoring requirements and other conditions as set forth in Part I through Part VIII on pages 1 through 15 of this permit.

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## I. Effluent Limitations and Monitoring Requirements

### A. Surface Water Discharges

1. During the period beginning upon placing the system into operation and lasting through the expiration date of this permit, the permittee is authorized to discharge from Outfall D-001, treated water. Such discharge shall be limited and monitored by the permittee as specified below:

Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Daily Minimum	Daily Maximum	Annual Average	Monitoring Frequency	Sample Type	Sample Point
Phosphorus, Total as P (mg/L as P)	--	--	Report* (See I.A.5.)	weekly	7-day flow proportioned composite	EFF-1
Phosphorus, Total as P (mg/L as P)	--	--	Report*	weekly	7-day flow proportioned composite	SWU-1
Oxygen, Dissolved (DO) (mg/L)	5.0	--	--	weekly	meter	EFF-1
Oxygen, Dissolved (DO) (mg/L)	Report	--	--	weekly	meter	SWU-1
Flow (cfs)	--	Report	Report	continuous	recorder	EFF-1
pH (s.u.)	6.0	8.5	--	weekly	meter	EFF-1

\* Monitoring results for this parameter shall be reported as a 12-month moving flow-weighted average. No violations for the annual average limit will be deemed to have occurred until data have been compiled for the first 12 months after the issuance date of the permit. For the first 11 months after issuance of this permit, the monitoring results for this parameter shall be recorded on the DMR as NODI=9. Starting with the 12th month and lasting until the expiration of this permit, the monitoring results for this parameter shall be recorded on the DMR as a 12-month moving flow-weighted average.

2. Effluent samples shall be taken at the monitoring site locations listed in permit condition I.A.1 and as described below:

Sample Point	Description of Monitoring Location
EFF-1	Sampling location for Outfall D-001 at the G-335 pump station.
SWU-1	Upstream background sampling location at the G-328 and S-6 G-337 pump stations.

3. There shall be no discharge of floating solids or visible foam in other than trace amounts. This provision shall not be interpreted to prevent discharges of constituents normally found in or resulting from marsh wetland systems.

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4. The discharge shall not cause a visible sheen on the receiving water. This provision shall not be interpreted to prevent the discharge of constituents normally found in or resulting from marsh wetland systems.
5. The discharge shall not cause phosphorus concentrations in the receiving waters to be altered so as to cause or contribute to an imbalance in natural populations of aquatic flora or fauna. The permittee may not be able to immediately comply with this condition and therefore, this permit is issued pursuant to Subsection 403.088(2)(e) of the Florida Statutes and is consistent with the Everglades Forever Act (EFA), §373.4592, Fla. Stat. By operation of the EFA, a numeric effluent limit for phosphorous shall be derived in accordance with state policy as contained in the EFA, § 373.4592(4)(e), Fla. Stat., which provides that if the Department does not adopt by rule a revised phosphorus water quality criterion by no later than December 31, 2003, the numeric criterion for phosphorus shall be 10 parts per billion (ppb) in the Everglades Protection Area. Upon adoption of a revised criterion or the default criterion becoming effective, and upon approval by EPA, an effluent limitation shall be established for this permit, in a manner consistent with the EFA, the federal Consent Decree in USA v. SFWMD, Case No. 88-1886-CIV-HOEVELER, as may be modified, and other applicable state and federal laws and that recognizes the relationship between waters discharged to, and the resulting water quality in the Everglades Protection Area. If an effluent limitation is established for this permit based upon the default criterion, that effluent limitation will be replaced with a new effluent limit based on the approved numeric interpretation of the narrative phosphorous criterion once rulemaking for the phosphorous criterion and an appropriate effluent limitation is promulgated under the requirements of the EFA and the Consent Decree. The new effluent limit will be based on the numeric phosphorous criterion, the associated implementation strategy, and the relationship between waters discharged to, and the resulting water quality in, the Everglades Protection Area in a manner consistent with the EFA, the federal Consent Decree in USA v. SFWMD, Case No. 88-1886-CIV-HOEVELER, as may be modified, and other applicable state and federal laws. Persons whose substantial interests are affected by modification of this permit to include a new effluent limitation for phosphorus will be afforded a point of entry under Chapter 120, Florida Statutes.

#### **B. Other Methods of Disposal or Recycling**

1. There shall be no discharge from this facility to surface waters, except as authorized by this permit.

#### **C. Other Limitations and Monitoring and Reporting Requirements**

1. During the period of operation authorized by this permit, the permittee shall complete and submit to the Department on a monthly basis Discharge Monitoring Report(s) (DMR), Form 62-620.910(10), as attached to this permit. The permittee shall make

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copies of the attached DMR form(s) and shall submit the completed DMR form(s) to the Department by the twenty-eighth (28<sup>th</sup>) of the third month following the month of sampling at the address specified below:

Florida Department of Environmental Protection  
Wastewater Program Management Section  
Twin Towers Office Building  
2600 Blair Stone Road, Mail Station 3551  
Tallahassee, Florida 32399-2400

If no discharge occurs during the reporting period, sampling requirements of this permit do not apply. The DMR form(s) shall be submitted as specified above with the statement "No Discharge" written thereon. If, during the term of this permit, the facility ceases operation, the Department shall be notified immediately upon cessation of discharge. Such notification shall be in writing.

2. Unless specified otherwise in this permit, all reports and notifications required by this permit, including twenty-four hour notifications, shall be submitted to or reported to, as appropriate, the Southeast District Office of the Department and to the Department's Division of Water Facilities, Everglades Technical Support Section at the addresses specified below:

Florida Department of Environmental  
Protection  
Southeast District Office  
100 North Congress Avenue  
West Palm Beach, FL 33401

**AND**

Florida Department of Environmental  
Protection  
Division of Water Facilities  
Everglades Technical Support Section  
2600 Blair Stone Road, MS 3560  
Tallahassee, Florida, 32399-2400

Phone Number - (561) 681-6600  
FAX Number\* - (561) 681-6755

Phone Number - (850) 921-5213  
Fax Number\* - (850) 488-4358

(\*All FAX copies shall be followed by original copies.)

3. The permittee shall provide safe access points for obtaining representative samples which are required by this permit.
4. The permittee shall ensure that all laboratory analytical data submitted to the department as required by this permit is from a laboratory which has a currently valid and Department-approved Comprehensive Quality Assurance Plan (ComQAP) [or a ComQAP pending approval] for all parameters being reported as required by Chapter 62-160, Florida Administrative Code, or fulfills the requirements for the National Environmental Laboratory Accreditation Program.

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5. Upon demonstration that a specific parameter(s) is consistently shown to be undetected in the effluent, the permittee may request a modification to the monitoring program as appropriate. A minimum of two years of data, for those parameters being sampled quarterly or more frequently, will be required prior to the Department approving any modification to the monitoring program. The Department may approve a reduction of the monitoring frequency or waive the monitoring requirement for parameters which consistently shown to be undetected in the effluent.

## **II. Industrial Sludge Management Requirements**

This section not applicable to this facility.

## **III. Ground Water Monitoring Requirements**

This section is not applicable to this facility.

## **IV. Other Land Application Requirements**

This section is not applicable to this facility.

## **V. Operation and Maintenance Requirements**

### **A. Operation of Treatment and Disposal Facilities**

1. The permittee shall ensure that the operation of this facility is as described in the application and supporting documents.
2. The operation of the facilities described in this permit shall be under the supervision of a person who is qualified by formal training and/or practical experience in the field of water pollution control.

### **B. Record Keeping Requirements**

The permittee shall maintain the following records at the South Florida Water Management District headquarters office at the address specified above and make them available for inspection:

1. Records of all compliance monitoring information, including all calibration and maintenance records for continuous monitoring instrumentation, including, if applicable, a copy of the laboratory certification showing the certification number of the laboratory, for at least three years from the date the sample or measurement was taken;

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2. Copies of all reports, other than those required in items 1. and 6. of this section, required by the permit for at least three years from the date the report was prepared, unless otherwise specified by Department rule;
3. Records of all data, including reports and documents used to complete the application for the permit for at least three years from the date the application was filed, unless otherwise specified by Department rule;
4. A copy of the current permit;
5. A copy of any required record drawings;
6. Copies of the logs and schedules showing project operations and maintenance for three years from the date on the logs or schedule.

## **VI. Schedules**

1. An Operations Plan shall be developed and submitted by the permittee to the Department no later than the completion date of construction of the STA-2 Project.

## **VII. Other Specific Conditions**

### **A. Specific Conditions Applicable to All Permits**

1. The following documents (design documents), not attached hereto, but retained on file with the Department, are made a part hereof:
  - a. 1994 Conceptual Design Document for the Everglades Protection Project;
  - b. The August 1995, General Design Memorandum for STA-2 and WCA 2A Hydropattern Restoration by Burns and McDonnell;
  - c. The May 1997, Final Design Report (100%) for STA-2 and WCA 2A Hydropattern Restoration by Brown and Caldwell;
  - d. The January 1997, Final Design Report for Pumping Stations G-310 and G-335 by Brown and Caldwell; and,
  - e. The October 1999, Final Construction Plans and Specifications for the S-6 Diversion works.
2. Where required by Chapter 471 (P.E.) or Chapter 492 (P.G.) Florida Statutes, applicable portions of reports to be submitted under this permit, shall be signed and sealed by the professional(s) who prepared them.

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3. This permit satisfies Wastewater program permitting requirements only. The Department and the permittee acknowledge the issuance of other permits related to the STA-2 Project. Additional related permits include FDEP Permit No. 0125539, which authorizes temporary dewatering activities to construct the STAs and associated works, FDEP-EFA Permit No. 0126704, and the U.S. Army Corps of Engineers 404 Permit No. 199404532, however, this permit does not supersede any of these permits.

#### **B. Specific Conditions Related to Construction**

1. Within thirty days of completion of the construction contract for this project, the permittee shall submit to the Department a completed "Certification of Completion of Construction" (DEP Form 62-620.910(12)) signed and sealed by the engineer of record. For purposes of this permit, completion of construction shall mean completion and closure of the construction contract for this project.
2. Record drawings shall be prepared and made available in accordance with Rule 62-620.410(6), F.A.C., and the Department of Environmental Protection Guide to Wastewater Permitting within six months of placing the facilities into operation.

#### **C. Duty to Reapply**

1. The permittee shall submit an application to renew this permit at least 180 days before the expiration date of this permit.
2. The permittee shall apply for renewal of this permit on the appropriate form listed in Rule 62-620.910, F.A.C., and in the manner established in Chapter 62-620, F.A.C., and the Department of Environmental Protection Guide to Wastewater Permitting including submittal of the appropriate processing fee set forth in Rule 62-4.050, F.A.C.
3. An application filed in accordance with subsections 1. and 2. of this part shall be considered timely and sufficient. When an application for renewal of a permit is timely and sufficient, the existing permit shall not expire until the Department has taken final action on the application for renewal or until the last day for seeking judicial review of the agency order or a later date fixed by order of the reviewing court.
4. The late submittal of a renewal application shall be considered timely and sufficient for the purpose of extending the effectiveness of the expiring permit only if it is submitted and made complete before the expiration date.

#### **D. Specific Conditions Related to Pollution Prevention Plan**

1. The document entitled "Stormwater Treatment Area 2 Pollution Prevention Plan," dated May 04, 2000, is hereby incorporated by reference and made a part of this permit as Exhibit A.



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2. The STA-2 Project shall be operated in accordance with the Pollution Prevention Plan (PPP).

If the permitted facilities are demonstrated to be not achieving compliance with the requirements of this permit, the permittee shall modify the PPP or the Operations Plan as appropriate.

#### **E. Reopener Clause**

This permit currently contains the narrative water quality standard for nutrients. In accordance with Subsection 373.4592(4)(e) of the Everglades Forever Act (EFA), by December 31, 2001, the Florida Department of Environmental Protection shall file a notice of rulemaking in the Florida Administrative Weekly to establish a phosphorus criterion in the Everglades Protection Area. By operation of the EFA, if the Department does not adopt by rule a revised phosphorus water quality criterion by December 31, 2003, the numeric criterion for phosphorus shall be the default of 10 ppb in the Everglades Protection Area. In either case, the numeric phosphorus criterion and implementation methodology must be submitted to EPA for approval. The USEPA shall review the water quality data that the state develops pursuant to the EFA, Subsection 373.4592(4)(e)1., Fla.Stat., and the interpreted numeric phosphorus criterion approved by the Florida Environmental Regulation Commission in accordance with the EFA, Subsection 373.4592(4)(e)2., Fla.Stat., and shall approve the criterion provided it adequately protects the designated uses of the Everglades Protection Area, and complies with the Clean Water Act and implementing regulations. The same standard of review will apply to this criterion that applies to all other proposed state water quality standards.

Within 90 days of approval by EPA of the adopted numeric criterion or 10 ppb default criterion, a new effluent limitation shall be established for this permit. This new effluent limitation, which becomes effective on December 31, 2006, will be based on the numeric phosphorus criterion and associated implementation strategy, in a manner consistent with the EFA, the Federal Consent Decree in *USA v. SFWMD*, Case No. 88-1886-CIV-HOEVELER, as may be modified, and other applicable state and federal laws and that recognizes the relationship between waters discharged to, and the resulting water quality in the Everglades Protection Area. Persons whose substantial interests are affected by modification of this permit to include a new effluent limitation for phosphorus will be afforded a point of entry under Chapter 120, Florida Statutes.

By no later than December 31, 2003, the permittee shall submit a permit modification, including plans, cost estimates, and schedules for implementation, designed to achieve or maintain compliance with the phosphorus criterion and, if necessary, all other water quality standards in all parts of the Everglades Protection Area by no later than December 31, 2006.

In the event that the state of Florida revises the dissolved oxygen criterion, or establishes a site specific alternative criterion (SSAC) or other moderating provision for dissolved

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oxygen in the Everglades Protection Area, the numeric effluent limitation for dissolved oxygen contained in this permit shall be revised.

#### **F. WCA 2A Hydropattern Restoration**

In order to ensure that the hydropattern restoration discharges from STA-2 do not adversely impact the previously unimpacted downstream portions of Water Conservation Area 2, the permittee shall conduct monitoring in downstream locations to ensure that the continued operation of STA-2 does not result in adverse impacts. Beginning two years after first discharge, and every other year thereafter, the District shall include in its annual report on STA-2 an evaluation of conditions in representative downstream locations in the previously unimpacted areas, including:

- a. beneficial environmental effects, including changes in water quality, soil and vegetative conditions, inundation and timing of discharges;
- b. adverse environmental effects, including imbalances in natural populations of flora and fauna; changes to periphyton communities; phosphorus accumulation rates in soil; expansion of cattail or other undesirable or exotic vegetation; or other undesirable consequences of hydropattern restoration, if any.

If a determination is made by the Department that the adverse impacts of the hydropattern restoration efforts exceed the environmental benefits, the permittee shall, within 90 days, submit plans and schedules to this office to remedy the adverse impacts. While the remedy is being developed and implemented, the permittee shall make best efforts to minimize the adverse impacts. Subsequently, modifications shall be made to this permit as appropriate.

#### **VIII. General Conditions**

- A. Enforcement.** The terms, conditions, requirements, limitations and restrictions set forth in this permit are binding and enforceable pursuant to Chapters 373 and 403, Florida Statutes. Any permit noncompliance constitutes a violation of Chapters 373 and 403, Florida Statutes, and is grounds for enforcement action, permit termination, permit revocation and reissuance, or permit revision. *[62-620.610(1), F.A.C.]*
- B. Scope of permit.** This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviations from the approved drawings, exhibits, specifications or conditions of this permit constitutes grounds for revocation and enforcement action by the Department. *[62-620.610(2), F.A.C.]*
- C. Limitation of rights.** As provided in Subsection 403.087(6), and Chapter 373, F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither

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does it authorize any injury to public or private property or any invasion of personal rights, nor authorize any infringements of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit or authorization that may be required for other aspects of the total project which are not addressed in this permit

- D. **Limitations upon title.** This permit conveys no title to land or water, does not constitute state recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title. *[62-620.610(4), F.A.C.]*
- E. **Liability.** This permit does not relieve the permittee from liability and penalties for harm or injury to human health or welfare, animal or plant life, or property caused by the construction or operation of this permitted source; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department. The permittee shall take all reasonable steps to minimize or prevent any discharge, reuse of reclaimed water, or residuals use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. *[62-620.610(5), F.A.C.]*
- F. **Continuing permitted activities.** If the permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee shall apply for a renewal of this permit. *[62-620.610(6), F.A.C.]*
- G. **Operation and maintenance responsibilities.** The permittee shall at all times properly operate and maintain the facility and systems of treatment and control, and related appurtenances, that are installed and used by the permittee to achieve compliance with the conditions of this permit. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to maintain or achieve compliance with the conditions of the permit. *[62-620.610(7), F.A.C.]*
- H. **Permit changes and duration.** This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. *[62-620.610(8), F.A.C.]*
- I. **Access and inspections.** The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, including an authorized representative of the Department and authorized EPA personnel, when applicable, upon presentation of credentials or other documents as may be required by law, and at reasonable times, depending upon the nature of the concern being investigated, to

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1. Enter upon the permittee's premises where a regulated facility, system, or activity is located or conducted, or where records shall be kept under the conditions of this permit;
  2. Have access to and copy any records that shall be kept under the conditions of this permit;
  3. Inspect the facilities, equipment, practices, or operations regulated or required under this permit; and
  4. Sample or monitor any substances or parameters at any location necessary to assure compliance with this permit or Department rules. *[62-620.610(9), F.A.C.]*
- J. **Evidence.** In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data, and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except as such use is proscribed by Section 403.111, Florida Statutes, or Rule 62-620.302, F.A.C. Such evidence shall only be used to the extent that it is consistent with the Florida Rules of Civil Procedure and applicable evidentiary rules. *[62-620.610(10), F.A.C.]*
- K. **Additional information.** When requested by the Department, the permittee shall within a reasonable time provide any information required by law which is needed to determine whether there is cause for revising, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also provide to the Department upon request copies of records required by this permit to be kept. If the permittee becomes aware of relevant facts that were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be promptly submitted or corrections promptly reported to the Department. *[62-620.610(11), F.A.C.]*
- L. **Changes in law.** Unless specifically stated otherwise in Department rules, the permittee, in accepting this permit, agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard. *[62-620.610(12), F.A.C.]*
- M. **Fees.** The permittee, in accepting this permit, agrees to pay the applicable regulatory program and surveillance fee in accordance with Rule 62-4.052, F.A.C. *[62-620.610(13), F.A.C.]*
- N. **Transferability.** This permit is transferable only upon Department approval in accordance with Rule 62-620.340, F.A.C. The permittee shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department. *[62-620.610(14), F.A.C.]*
- O. **Notice of inactivation or abandonment.** The permittee shall give the Department written notice at least 60 days before inactivation or abandonment of a wastewater facility and shall

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specify what steps will be taken to safeguard public health and safety during and following inactivation or abandonment. *[62-620.610(15), F.A.C.]*

- P. **Permit revision for modifications.** The permittee shall apply for a revision to the Department permit in accordance with Rules 62-620.300 and the Department of Environmental Protection Guide to Wastewater Permitting at least 90 days before construction of any planned substantial modifications to the permitted facility is to commence or with Rule 62-620.325(2) for minor modifications to the permitted facility. A revised permit shall be obtained before construction begins except as provided in Rule 62-620.300, F.A.C. *[62-620.610(16), F.A.C.]*
- Q. **Noncompliance due to facility changes.** The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. The permittee shall be responsible for any and all damages which may result from the changes and may be subject to enforcement action by the Department for penalties or revocation of this permit. The notice shall include the following information:
1. A description of the anticipated noncompliance;
  2. The period of the anticipated noncompliance, including dates and times; and
  3. Steps being taken to prevent future occurrence of the noncompliance.
- [62-620.610(17), F.A.C.]*
- R. **Sampling and monitoring data.** Sampling and monitoring data shall be collected and analyzed in accordance with Rule 62-4.246, Chapter 62-160 and 62-601, F.A.C. and 40CFR 136, as appropriate, or as conducted to fulfill the requirements for the National Environmental Laboratory Accreditation Program.
1. Monitoring results shall be reported at the intervals specified elsewhere in this permit and shall be reported on a Discharge Monitoring Report (DMR), DEP Form 62-620.910(10).
  2. If the permittee monitors any contaminate more frequently than required by the permit, using Department approved test procedures, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
  3. Calculations for all limitations which require averaging of measurements shall use an arithmetic mean unless otherwise specified in this permit.
  4. Any laboratory test required by this permit for domestic wastewater facilities shall be performed by a laboratory that has been certified by the Department of Health and Rehabilitative Services (DHRS) under Chapter 10D41, F.A.C., to perform the test. In domestic wastewater facilities, on-site tests for dissolved oxygen, pH, and total chlorine residual shall be performed by a laboratory certified test for those parameters or under the direction of an operator certified under Chapter 61E12-41, F.A.C.

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5. Under Chapter 62-160, F.A.C., sample collection shall be performed by following the protocols outlined in "DER Standard Operating Procedures for Laboratory Operations and Sample Collection Activities" (DER-QA-001/92). Alternatively, sample collection may be performed by an organization who has an approved Comprehensive Quality Assurance Plan (CompQAP) on file with the Department, or fulfills the requirements for the National Environmental Laboratory Accreditation Program. The CompQAP shall be approved for collection of samples from the required matrices and for the required tests. *[62-620.610(18), F.A.C.]*
- S. **Reporting noncompliance.** Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule detailed elsewhere in this permit shall be submitted no later than 14 days following each schedule date. *[62-620.610(19), F.A.C.]*
- T. **Noncompliance endangering environment.** The permittee shall report to the Department any noncompliance which may endanger health or the environment. Any information shall be provided orally with 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance including exact dates and time, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
  1. The following shall be included as information which must be reported within 24 hours under this condition:
    - a. Any unanticipated bypass which causes any reclaimed water or the effluent to exceed any permit limitation or results in an unpermitted discharge,
    - b. Any upset which causes any reclaimed water or the effluent to exceed any limitation in the permit,
    - c. Violation of a maximum daily discharge limitation for any of the pollutants specifically listed in the permit for such notice, and,
    - d. Any unauthorized discharge to surface or ground waters.
  2. If the oral report has been received within 24 hours, the noncompliance has been corrected, and the noncompliance did not endanger health or the environment, the Department shall waive the written report. *[62-620.610(20), F.A.C.]*
- U. **Other noncompliance.** The permittee shall report all instances of noncompliance not reported under Conditions VIII. R and S of this permit at the time monitoring reports are submitted. This report shall contain the same information required by Condition VIII. T of this permit. *[62-620.610(21), F.A.C.]*

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## **V. Bypass Provisions.**

1. The term “bypass” shall mean the intentional diversion of waste streams from any portion of the treatment works. The term “bypass” does not include waters diverted around the entire STA-2 Project to prevent damage to the facility (usually caused by flooding) or to prevent adverse impacts to public and/or environmental health as described in Condition V.2 below.
2. Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless the permittee affirmatively demonstrates that:
  - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and,
  - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and,
  - c. The permittee submitted notices as required under Condition VIII.V.3 of this permit.
3. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible at least 10 days before the date of the bypass. The permittee shall submit notice of an unanticipated bypass within 24 hours of learning about the bypass as required in Condition VIII.T of this permit. A notice shall include a description of the bypass and its cause; the period of the bypass, including exact dates and times; if the bypass has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.
4. The Department shall approve an anticipated bypass, after considering its adverse effect, if the permittee demonstrates that it will meet the three conditions listed in Condition VIII.V.2.a. through c. of this permit.
5. A permittee may allow any bypass to occur which does not cause reclaimed water or effluent limitations to be exceeded if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Condition VIII.V.2.a. through c. of this permit. *[62-620.610(22), F.A.C.]*

## **W. Upset Provisions.**

1. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs, or other relevant evidence that:
  - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
  - b. The permitted facility was at the time being properly operated;

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- c. The permittee submitted notice of the upset as required in Condition VIII.T. of this permit; and,
  - d. The permittee complied with any remedial measures required under Condition VIII.E. and T. of this permit.
2. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.
  3. Before an enforcement proceeding is instituted, no representation made during the Department review of a claim that noncompliance was caused by an upset is final agency action subject to judicial review. *[62-620.610(23), F.A.C.]*

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION

**DRAFT**

\_\_\_\_\_  
David B. Struhs  
Secretary

DATE: \_\_\_\_\_



**STATE OF FLORIDA  
PERMIT TO DISCHARGE TREATED WATER**

**PERMITTEE:**

South Florida Water Management District  
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**NPDES PERMIT  
NUMBER**

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**EXPIRATION DATE:**

**RESPONSIBLE AUTHORITY:**

Mr. Joe Schweigart  
Director, Everglades Construction Project

**FACILITY:**

Stormwater Treatment Area (STA) 5  
Project (STA-5 Project)  
Palm Beach County

**LATITUDE: 26° 27' 30"    LONGITUDE: 80° 53' 01"**

This permit is issued under the provisions of Chapter 403, Florida Statutes, and applicable rules of the Florida Administrative Code and constitutes authorization to discharge to waters of the state under the National Pollutant Discharge Elimination System (NPDES). The above named permittee is hereby authorized to construct and operate the facilities shown on the application and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

**PROJECT DESCRIPTION:**

The project is to construct, operate, and maintain Stormwater Treatment Area 5 (STA-5), STA-5 Inflow and Interior Work, Discharge Work, Discharge Canal, Discharge Canal Bridge, Deer Fence Canal Bridge, Seepage Collection and Return System, Pump Stations G-404 and 409, Water Supply Pump Stations G-349B and G-350B, G-406 Bypass Structure, Structure G-357 Modification, and Southern L-4 Levee Gap, collectively known as the STA-5 Project. The STA-5 Project is part of the Everglades Construction Project (ECP), construction, operation, and maintenance of which is required by the Everglades Forever Act (EFA) (Section 373.4592, Florida Statutes).

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### **EFFLUENT DISPOSAL:**

This permit authorizes the new discharge of treated waters from a 4,118 acre constructed wetland marsh system (STA-5 Project) to the Miami Canal via the G-344 A-D outflow structures and the discharge canal. Presently, the majority of run-off from the C-139 Basin is discharged untreated primarily to the L-3 Canal Extension and West Water Conservation Area (WCA) 3A via existing structure G-155, although some discharges are made to the Everglades Agricultural Area (EAA) via G-88 and G-136, and to the L-28 Borrow Canal via structure G-89. Stormwater runoff from the C-139 Basin that is currently flowing untreated will, upon completion of the STA, be diverted into the constructed wetland for treatment utilizing natural, passive physical and biological processes for nutrient removal and water quality improvement.

### **SURFACE WATER DISCHARGES AUTHORIZED:**

A new discharge to the Miami Canal (Class III Fresh waters), outfall serial numbers D-001, D-002, D-003, and D-004, via the G-344 A-D outflow structures. The G-344 A-D outflow structures points of discharge are located approximately as follows:

G-344 A at latitude 26° 27' 30", longitude 80° 53' 01"

G-344 B at latitude 26° 28' 02", longitude 80° 53' 01"

G-344 C at latitude 26° 28' 21", longitude 80° 53' 01"

G-344 D at latitude 26° 28' 50", longitude 80° 53' 01"

**IN ACCORDANCE WITH:** The limitations, monitoring requirements and other conditions as set forth in Part I through Part VIII on pages 1 through 15 of this permit.

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## I. Effluent Limitations and Monitoring Requirements

### A. Surface Water Discharges

- During the period beginning upon placing the system into operation and lasting through the expiration date of this permit, the permittee is authorized to discharge from Outfalls D-001, D-002, D-003, and D-004 treated water. Such discharge shall be limited and monitored by the permittee as specified below:

Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Daily Minimum	Daily Maximum	Annual Average	Monitoring Frequency	Sample Type	Sample Point
Phosphorus, Total as P (mg/L as P)	--	--	Report* (See I.A.5.)	Weekly	7-day flow proportioned composite	<u>EFF-1, EFF-2, EFF-3, &amp; EFF-4</u>
Phosphorus, Total as P (mg/L as P)	--	--	Report*	Weekly	7-day flow proportioned composite	<u>SWU-1, SWU-2, SWU-3, &amp; SWU-4</u>
Oxygen, Dissolved (DO) (mg/L)	5.0	--	--	weekly	meter	<u>EFF-1, EFF-2, EFF-3, &amp; EFF-4</u>
Oxygen, Dissolved (DO) (mg/L)	Report	--	--	weekly	meter	<u>SWU-1, SWU-2, SWU-3, &amp; SWU-4</u>
Flow (cfs)	--	Report	Report	continuous	recorder	<u>EFF-1, EFF-2, EFF-3, &amp; EFF-4</u>
pH (s.u.)	6.0	8.5	--	weekly	meter	<u>EFF-1, EFF-2, EFF-3, &amp; EFF-4</u>

\* Monitoring results for this parameter shall be reported as a 12-month moving flow-weighted average. No violations for the annual average limit will be deemed to have occurred until data have been compiled for the first 12 months after the issuance date of the permit. For the first 11 months after issuance of this permit, the monitoring results for this parameter shall be recorded on the DMR as NODI=9. Starting with the 12th month and lasting until the expiration of this permit, the monitoring results for this parameter shall be recorded on the DMR as a 12-month moving flow-weighted average.

- Effluent samples shall be taken at the monitoring site locations listed in permit condition I.A.1 and as described below:

Sample Point	Description of Monitoring Location
<u>EFF-1</u>	<u>Sampling location for Outfall D-001 at the G-344 A outflow structure.</u>
<u>EFF-2</u>	<u>Sampling location for Outfall D-002 at the G-344 B outflow structure.</u>
<u>EFF-3</u>	<u>Sampling location for Outfall D-003 at the G-344 C outflow structure.</u>
<u>EFF-4</u>	<u>Sampling location for Outfall D-004 at the G-344 D outflow structure.</u>

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<u>SWU-1</u>	<u>Upstream background sampling location at the G-342 A inflow structure..</u>
<u>SWU-2</u>	<u>Upstream background sampling location at the G-342 B inflow structure..</u>
<u>SWU-3</u>	<u>Upstream background sampling location at the G-342 C inflow structure.</u>
<u>SWU-4</u>	<u>Upstream background sampling location at the G-342 D inflow structure.</u>

3. There shall be no discharge of floating solids or visible foam in other than trace amounts. This provision shall not be interpreted to prevent discharges of constituents normally found in or resulting from marsh wetland systems.
4. The discharge shall not cause a visible sheen on the receiving water. This provision shall not be interpreted to prevent the discharge of constituents normally found in or resulting from marsh wetland systems.
5. The discharge shall not cause phosphorus concentrations in the receiving waters to be altered so as to cause or contribute to an imbalance in natural populations of aquatic flora or fauna. The permittee may not be able to immediately comply with this condition and therefore, this permit is issued pursuant to Subsection 403.088(2)(e) of the Florida Statutes and is consistent with the Everglades Forever Act (EFA), §373.4592, Fla. Stat. By operation of the EFA, a numeric effluent limit for phosphorous shall be derived in accordance with state policy as contained in the EFA, § 373.4592(4)(e), Fla. Stat., which provides that if the Department does not adopt by rule a revised phosphorus water quality criterion by no later than December 31, 2003, the numeric criterion for phosphorus shall be 10 parts per billion (ppb) in the Everglades Protection Area. Upon adoption of a revised criterion or the default criterion becoming effective, and upon approval by EPA, an effluent limitation shall be established for this permit, in a manner consistent with the EFA, the federal Consent Decree in USA v. SFWMD, Case No. 88-1886-CIV-HOEVELER, as may be modified, and other applicable state and federal laws and that recognizes the relationship between waters discharged to, and the resulting water quality in the Everglades Protection Area.

If an effluent limitation is established for this permit based upon the default criterion, that effluent limitation will be replaced with a new effluent limit based on the approved numeric interpretation of the narrative phosphorous criterion once rulemaking for the phosphorous criterion and an appropriate effluent limitation is promulgated under the requirements of the EFA and the Consent Decree. The new effluent limit will be based on the numeric phosphorous criterion, the associated implementation strategy, and the relationship between waters discharged to, and the resulting water quality in, the Everglades Protection Area in a manner consistent with the EFA, the federal Consent Decree in USA v. SFWMD, Case No. 88-1886-CIV-HOEVELER, as may be modified, and other applicable state and federal laws. Persons whose substantial interests are affected by modification of this permit to

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include a new effluent limitation for phosphorus will be afforded a point of entry under Chapter 120, Florida Statutes.

**B. Other Methods of Disposal or Recycling**

1. There shall be no discharge from this facility to surface waters, except as authorized by this permit.

**C. Other Limitations and Monitoring and Reporting Requirements**

1. During the period of operation authorized by this permit, the permittee shall complete and submit to the Department on a monthly basis Discharge Monitoring Report(s) (DMR), Form 62-620.910(10), as attached to this permit. The permittee shall make copies of the attached DMR form(s) and shall submit the completed DMR form(s) to the Department by the twenty-eighth (28<sup>th</sup>) of the third month following the month of sampling at the address specified below:

Florida Department of Environmental Protection  
Wastewater Program Management Section  
Twin Towers Office Building  
2600 Blair Stone Road, Mail Station 3551  
Tallahassee, Florida 32399-2400

If no discharge occurs during the reporting period, sampling requirements of this permit do not apply. The DMR form(s) shall be submitted as specified above with the statement "No Discharge" written thereon. If, during the term of this permit, the facility ceases operation, the Department shall be notified immediately upon cessation of operation. Such notification shall be in writing.

2. Unless specified otherwise in this permit, all reports and notifications required by this permit, including twenty-four hour notifications, shall be submitted to or reported to, as appropriate, the Southeast District Office of the Department and to the Department's Division of Water Facilities, Everglades Technical Support Section at the addresses specified below:

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Florida Department of Environmental  
Protection  
Southeast District Office  
100 North Congress Avenue  
West Palm Beach, FL 33401

**AND**

Florida Department of Environmental  
Protection  
Division of Water Facilities  
Everglades Technical Support Section  
2600 Blair Stone Road, MS 3560  
Tallahassee, Florida, 32399-2400

Phone Number - (561) 681-6600  
FAX Number\* - (561) 681-6755

Phone Number - (850) 921-5213  
Fax Number\* - (850) 488-4358

(All FAX copies shall be followed by original copies.)

3. The permittee shall provide safe access points for obtaining representative samples which are required by this permit.
4. The permittee shall ensure that all laboratory analytical data submitted to the department as required by this permit is from a laboratory which has a currently valid and Department-approved Comprehensive Quality Assurance Plan (ComQAP) [or a ComQAP pending approval] for all parameters being reported as required by Chapter 62-160, Florida Administrative Code.
5. Upon demonstration that a specific parameter(s) is consistently shown to be undetected in the effluent, the permittee may request a modification to the monitoring program as appropriate. A minimum of two years of data will be required prior to the Department approving any modification to the monitoring program. The Department may approve a reduction of the monitoring frequency or waive the monitoring requirement for parameters which consistently shown to be undetected in the effluent.

## **II. Industrial Sludge Management Requirements**

This section not applicable to this facility.

## **III. Ground Water Monitoring Requirements**

This section is not applicable to this facility.

## **IV. Other Land Application Requirements**

This section is not applicable to this facility.

## **V. Operation and Maintenance Requirements**

### **A. Operation of Treatment and Disposal Facilities**

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1. The permittee shall ensure that the operation of this facility is as described in the application and supporting documents.
2. The operation of the facilities described in this permit shall be under the supervision of a person who is qualified by formal training and/or practical experience in the field of water pollution control.

## **B. Record Keeping Requirements**

The permittee shall maintain the following records at the South Florida Water Management District headquarters office at the address specified above and make them available for inspection:

1. Records of all compliance monitoring information, including all calibration and maintenance records for continuous monitoring instrumentation, including, if applicable, a copy of the laboratory certification showing the certification number of the laboratory, for at least three years from the date the sample or measurement was taken;
2. Copies of all reports, other than those required in items 1. and 6. of this section, required by the permit for at least three years from the date the report was prepared, unless otherwise specified by Department rule;
3. Records of all data, including reports and documents used to complete the application for the permit for at least three years from the date the application was filed, unless otherwise specified by Department rule;
4. A copy of the current permit;
5. A copy of any required record drawings;
6. Copies of the logs and schedules showing project operations and maintenance for three years from the date on the logs or schedule.

## **VI. Schedules**

1. An operations plan shall be developed and implemented by the permittee no later than September 1999.

## **VII. Other Specific Conditions**

### **A. Additional Specific Conditions**

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1. The following documents, not attached hereto, but retained on file with the Department, are made a part hereof:
  - a. 1994 Conceptual Design Document for the Everglades Protection Project;
  - b. STA-5 Preliminary Design memorandum;
  - c. Detailed Design Report for Stormwater Treatment Area 5, dated March 1997; and
  - d. Final Design Report for Stormwater Treatment Area 5, STA-5 Discharge Canal, and STA-5 Outlet Canal by Burns & McDonnell, dated September 1997.

To the extent that any of these documents conflict with conditions of this permit, the permit conditions shall control.

2. Where required by Chapter 471 (P.E.) or Chapter 492 (P.G.) Florida Statutes, applicable portions of reports to be submitted under this permit, shall be signed and sealed by the professional(s) who prepared them.
3. This permit satisfies Wastewater program permitting requirements only. The Department and the permittee acknowledge the issuance of other permits related to the STA-5 Project. Additional related permits include FDEP Permit No. 0125539, which authorizes temporary dewatering activities to construct the STAs and associated works, FDEP Permit No. 0131842 (EFA permit), and the U.S. Army Corps of Engineers 404 Permit No. 199404532. This permit is supplemental to these permits and does not supersede any of these permits.

#### **B. Specific Conditions Related to Construction**

1. Within thirty days of completion of the construction contract for this project, the permittee shall submit to the Department a completed "Certification of Completion of Construction" (DEP Form 62-620.910(12)) signed and sealed by the engineer of record. For purposes of this permit, completion of construction shall mean completion and closure of the construction contract for this project.
2. Record drawings shall be prepared and made available in accordance with Rule 62-620.410(6), F.A.C., and the Department of Environmental Protection Guide to Wastewater Permitting within six months of placing the facilities into operation.

#### **C. Duty to Reapply**

1. The permittee shall submit an application to renew this permit at least 180 days before the expiration date of this permit.



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2. The permittee shall apply for renewal of this permit on the appropriate form listed in Rule 62-620.910, F.A.C., and in the manner established in Chapter 62-620, F.A.C., and the Department of Environmental Protection Guide to Wastewater Permitting including submittal of the appropriate processing fee set forth in Rule 62-4.050, F.A.C.
3. An application filed in accordance with subsections 1. and 2. of this part shall be considered timely and sufficient. When an application for renewal of a permit is timely and sufficient, the existing permit shall not expire until the Department has taken final action on the application for renewal or until the last day for seeking judicial review of the agency order or a later date fixed by order of the reviewing court.
4. The late submittal of a renewal application shall be considered timely and sufficient for the purpose of extending the effectiveness of the expiring permit only if it is submitted and made complete before the expiration date.

#### **D. Specific Conditions Related to Pollution Prevention Plan**

1. The document entitled "Stormwater Treatment Area 5 Pollution Prevention Plan," dated June 9, 1999, is hereby incorporated by reference and made a part of this permit as Exhibit A.
2. The STA-5 Project shall be operated in accordance with the Pollution Prevention Plan (PPP). To the extent that there is a conflict with the PPP itself or the application of the PPP and this permit, the permit conditions shall control.

If the permitted facilities are demonstrated to be not achieving compliance with the requirements of this permit, the permittee shall modify the PPP or the operations plan as appropriate. Any modification to the PPP shall be done through a permit revision and shall be subject to the administrative process of Chapter 120, F.S.

#### **E. Reopener Clause**

This permit currently contains the narrative water quality standard for nutrients. In accordance with Subsection 373.4592(4)(e) of the Everglades Forever Act (EFA), by December 31, 2001, the Florida Department of Environmental Protection shall file a notice of rulemaking in the Florida Administrative Weekly to establish a phosphorus criterion in the Everglades Protection Area. By operation of the EFA, if the Department does not adopt by rule a revised phosphorus water quality criterion by December 31, 2003, the numeric criterion for phosphorus shall be the default of 10 ppb in the Everglades Protection Area. In either case, the numeric phosphorus criterion and implementation methodology must be submitted to EPA for approval. The USEPA shall review the water quality data that the state develops pursuant to the EFA, Subsection 373.4592(4)(e)1., Fla.Stat., and the interpreted numeric phosphorus criterion approved by the Florida Environmental Regulation Commission in accordance with the EFA, Subsection 373.4592(4)(e)2., Fla.Stat., and shall approve the criterion provided it

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adequately protects the designated uses of the Everglades Protection Area, and complies with the Clean Water Act and implementing regulations. The same standard of review will apply to this criterion that applies to all other proposed state water quality standards.

Within 90 days of approval by EPA of the adopted numeric criterion or 10 ppb default criterion, a new effluent limitation shall be established for this permit. This new effluent limitation, which becomes effective on December 31, 2006, will be based on the numeric phosphorus criterion and associated implementation strategy, in a manner consistent with the EFA, the Federal Consent Decree in USA v. SFWMD, Case No. 88-1886-CIV-HOEVELER, as may be modified, and other applicable state and federal laws and that recognizes the relationship between waters discharged to, and the resulting water quality in the Everglades Protection Area. By no later than December 31, 2003, the permittee shall submit a permit modification, including plans, cost estimates, and schedules for implementation, designed to achieve or maintain compliance with the phosphorus criterion and, if necessary, all other water quality standards in all parts of the Everglades Protection Area by no later than December 31, 2006. Persons whose substantial interests are affected by modification of this permit to include a new effluent limitation for phosphorus will be afforded a point of entry under Chapter 120, Florida Statutes.

In the event that the state of Florida revises the dissolved oxygen criterion, or establishes a site specific alternative criterion (SSAC) or other moderating provision for dissolved oxygen in the Everglades Protection Area, the numeric effluent limitation for dissolved oxygen contained in this permit shall be revised.

In the event that the state of Florida revises the classification of the canals in the Everglades Agricultural Area as contemplated by Subsection 373.4592(4)(e)4., F.S., the effluent limitations in this permit shall be revised as appropriate subject to EPA review under the CWA.

## **F. Hydropattern Restoration**

This permit does not authorize discharges to Rotenberger Wildlife Management Area, except for emergency discharges requested by the Florida Fish and Wildlife Conservation Commission to extinguish fires. All other discharges to Rotenberger, and restoration activities pursuant to Subsection (4)(c) of the EFA, shall be governed by the permitting conditions authorizing the operation of G-410 and associated structures, which shall be included in a separate permit or permit modification. The permittee shall submit its application for that permit or permit modification within 60 days of issuance of this permit.

The permitting conditions authorizing the operation of G-410 and associated structures shall be based on the "Memorandum of Agreement between the Florida Department of Environmental Regulation [now FDEP], the Board of Trustees of the Internal Improvement Trust Fund, the South Florida Water Management District, and the Florida Game and Fresh Water Fish Conservation Commission [now FFWCC]", and new

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information relevant to the restoration. Within 60 days of issuance of this permit, the permittee shall initiate discussions with the parties to this agreement to revise the agreement. The revised agreement shall establish a technically-based regulation schedule to restore and preserve the natural Everglades habitats of the Rotenberger Wildlife Management Areas and to achieve the Rotenberger restoration goals of the EFA. The discussions shall focus on determining the appropriate quality, quantity, distribution and timing of flows necessary to achieve the Rotenberger restoration goals of the agreement and the EFA. Future structural modifications to STA-5 may be necessary to increase discharge of treated water into Rotenberger to achieve the hydropattern objectives of the EFA. The permittee shall perform any surveys, modeling or other technical activities necessary to support this determination. These discussions should also include the U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, Miccosukee and Seminole Tribes and other interested parties.

This permit does not authorize the hydropattern restoration of WCA-3A. The hydropattern restoration of WCA-3A is divided into two components, West WCA-3A Hydropattern Restoration (ECP-14) and East WCA-3A Hydropattern Restoration (ECP-15). The construction completion dates for these two Everglades Construction Projects are scheduled to be April 1, 2005, and October 1, 2004, respectively. The permittee shall apply to the Department for a permit for these projects prior to conducting discharge activities, pursuant to Section (9) of the EFA.

### **VIII. General Conditions**

- A. **Enforcement.** The terms, conditions, requirements, limitations and restrictions set forth in this permit are binding and enforceable pursuant to Chapter 403, Florida Statutes. Any permit noncompliance constitutes a violation of Chapter 403, Florida Statutes, and is grounds for enforcement action, permit termination, permit revocation and reissuance, or permit revision. *[62-620.610(1), F.A.C.]*
- B. **Scope of permit.** This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviations from the approved drawings, exhibits, specifications or conditions of this permit constitutes grounds for revocation and enforcement action by the Department. *[62-620.610(2), F.A.C.]*
- C. **Limitation of rights.** As provided in Subsection 403.087(6), the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor authorize any infringements of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit or authorization that may be required for other aspects of the total project which are not addressed in this permit
- D. **Limitations upon title.** This permit conveys no title to land or water, does not constitute state recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have

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been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title. *[62-620.610(4), F.A.C.]*

- E. **Liability.** This permit does not relieve the permittee from liability and penalties for harm or injury to human health or welfare, animal or plant life, or property caused by the construction or operation of this permitted source; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department. The permittee shall take all reasonable steps to minimize or prevent any discharge, reuse of reclaimed water, or residuals use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. *[62-620.610(5), F.A.C.]*
- F. **Continuing permitted activities.** If the permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee shall apply for a renewal of this permit. *[62-620.610(6), F.A.C.]*
- G. **Operation and maintenance responsibilities.** The permittee shall at all times properly operate and maintain the facility and systems of treatment and control, and related appurtenances, that are installed and used by the permittee to achieve compliance with the conditions of this permit. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to maintain or achieve compliance with the conditions of the permit. *[62-620.610(7), F.A.C.]*
- H. **Permit changes and duration.** This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. *[62-620.610(8), F.A.C.]*
- I. **Access and inspections.** The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, including an authorized representative of the Department and authorized EPA personnel, when applicable, upon presentation of credentials or other documents as may be required by law, and at reasonable times, depending upon the nature of the concern being investigated, to
1. Enter upon the permittee's premises where a regulated facility, system, or activity is located or conducted, or where records shall be kept under the conditions of this permit;
  2. Have access to and copy any records that shall be kept under the conditions of this permit;
  3. Inspect the facilities, equipment, practices, or operations regulated or required under this permit; and
  4. Sample or monitor any substances or parameters at any location necessary to assure compliance with this permit or Department rules. *[62-620.610(9), F.A.C.]*

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- J. **Evidence.** In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data, and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except as such use is proscribed by Section 403.111, Florida Statutes, or Rule 62-620.302, F.A.C. Such evidence shall only be used to the extent that it is consistent with the Florida Rules of Civil Procedure and applicable evidentiary rules. [62-620.610(10), F.A.C.]
- K. **Additional information.** When requested by the Department, the permittee shall within a reasonable time provide any information required by law which is needed to determine whether there is cause for revising, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also provide to the Department upon request copies of records required by this permit to be kept. If the permittee becomes aware of relevant facts that were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be promptly submitted or corrections promptly reported to the Department. [62-620.610(11), F.A.C.]
- L. **Changes in law.** Unless specifically stated otherwise in Department rules, the permittee, in accepting this permit, agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard, to the extent that a mixing zone is allowed by law. [62-620.610(12), F.A.C.]
- M. **Fees.** The permittee, in accepting this permit, agrees to pay the applicable regulatory program and surveillance fee in accordance with Rule 62-4.052, F.A.C. [62-620.610(13), F.A.C.]
- N. **Transferability.** This permit is transferable only upon Department approval in accordance with Rule 62-620.340, F.A.C. The permittee shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department. [62-620.610(14), F.A.C.]
- O. **Notice of inactivation or abandonment.** The permittee shall give the Department written notice at least 60 days before inactivation or abandonment of a wastewater facility and shall specify what steps will be taken to safeguard public health and safety during and following inactivation or abandonment. [62-620.610(15), F.A.C.]
- P. **Permit revision for modifications.** The permittee shall apply for a revision to the Department permit in accordance with Rules 62-620.300 and the Department of Environmental Protection Guide to Wastewater Permitting at least 90 days before construction of any planned substantial modifications to the permitted facility is to commence or with Rule 62-620.325(2) for minor modifications to the permitted facility. A

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revised permit shall be obtained before construction begins except as provided in Rule 62-620.300, F.A.C. *[62-620.610(16), F.A.C.]*

**Q. Noncompliance due to facility changes.** The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. The permittee shall be responsible for any and all damages which may result from the changes and may be subject to enforcement action by the Department for penalties or revocation of this permit. The notice shall include the following information:

1. A description of the anticipated noncompliance;
2. The period of the anticipated noncompliance, including dates and times; and
3. Steps being taken to prevent future occurrence of the noncompliance.

*[62-620.610(17), F.A.C.]*

**R. Sampling and monitoring data.** Sampling and monitoring data shall be collected and analyzed in accordance with Rule 62-4.246, Chapter 62-160 and 62-601, F.A.C. and 40CFR 136, as appropriate.

1. Monitoring results shall be reported at the intervals specified elsewhere in this permit and shall be reported on a Discharge Monitoring Report (DMR), DEP Form 62-620.910(10).
2. If the permittee monitors any contaminate more frequently than required by the permit, using Department approved test procedures, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
3. Calculations for all limitations which require averaging of measurements shall use an arithmetic mean unless otherwise specified in this permit.
4. Any laboratory test required by this permit for domestic wastewater facilities shall be performed by a laboratory that has been certified by the Department of Health and Rehabilitative Services (DHRS) under Chapter 10D41, F.A.C., to perform the test. In domestic wastewater facilities, on-site tests for dissolved oxygen, pH, and total chlorine residual shall be performed by a laboratory certified test for those parameters or under the direction of an operator certified under Chapter 61E12-41, F.A.C.
5. Under Chapter 62-160, F.A.C., sample collection shall be performed by following the protocols outlined in "DER Standard Operating Procedures for Laboratory Operations and Sample Collection Activities" (DER-QA-001/92). Alternatively, sample collection may be performed by an organization who has an approved Comprehensive Quality Assurance Plan (CompQAP) on file with the Department. The CompQAP shall be approved for collection of samples from the required matrices and for the required tests.

*[62-620.610(18), F.A.C.]*

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- S. **Reporting noncompliance.** Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule detailed elsewhere in this permit shall be submitted no later than 14 days following each schedule date. *[62-620.610(19), F.A.C.]*
- T. **Noncompliance endangering environment.** The permittee shall report to the Department any noncompliance which may endanger health or the environment. Any information shall be provided orally with 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance including exact dates and time, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
1. The following shall be included as information which must be reported within 24 hours under this condition:
    - a. Any unanticipated bypass which causes any reclaimed water or the effluent to exceed any permit limitation or results in an unpermitted discharge,
    - b. Any upset which causes any reclaimed water or the effluent to exceed any limitation in the permit,
    - c. Violation of a maximum daily discharge limitation for any of the pollutants specifically listed in the permit for such notice, and,
    - d. Any unauthorized discharge to surface or ground waters.
  2. If the oral report has been received within 24 hours, the noncompliance has been corrected, and the noncompliance did not endanger health or the environment, the Department shall waive the written report. *[62-620.610(20), F.A.C.]*
- U. **Other noncompliance.** The permittee shall report all instances of noncompliance not reported under Conditions VIII. R and S of this permit at the time monitoring reports are submitted. This report shall contain the same information required by Condition VIII. T of this permit. *[62-620.610(21), F.A.C.]*

**V. Bypass Provisions.**

1. The term “bypass” shall mean the intentional diversion of waste streams from any portion of the treatment works. The term “bypass” does not include waters diverted around the entire STA-5 Project.
2. Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless the permittee affirmatively demonstrates that:
  - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and,

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- b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and,
  - c. The permittee submitted notices as required under Condition VIII.V.3 of this permit.
3. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible at least 10 days before the date of the bypass. The permittee shall submit notice of an unanticipated bypass within 24 hours of learning about the bypass as required in Condition VIII.T of this permit. A notice shall include a description of the bypass and its cause; the period of the bypass, including exact dates and times; if the bypass has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.
4. The Department shall approve an anticipated bypass, after considering its adverse effect, if the permittee demonstrates that it will meet the three conditions listed in Condition VIII.V.2.a. through c. of this permit.
5. A permittee may allow any bypass to occur which does not cause reclaimed water or effluent limitations to be exceeded if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Condition VIII.V.2.a. through c. of this permit. *[62-620.610(22), F.A.C.]*

#### **W. Upset Provisions.**

1. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs, or other relevant evidence that:
  - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
  - b. The permitted facility was at the time being properly operated;
  - c. The permittee submitted notice of the upset as required in Condition VIII.T. of this permit; and,
  - d. The permittee complied with any remedial measures required under Condition VIII.E. and T. of this permit.
2. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.
3. Before an enforcement proceeding is instituted, no representation made during the Department review of a claim that noncompliance was caused by an upset is final agency action subject to judicial review. *[62-620.610(23), F.A.C.]*



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Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION

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David B. Struhs  
Secretary

DATE: \_\_\_\_\_

- End of NPDES Draft Permit -